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Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Debtor,

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04469 (CGM)

Plaintiff,

v.

CAROL L. KAMENSTEIN, individually and in her
capacity as joint tenant,

DAVID R. KAMENSTEIN, individually and in his
capacity as joint tenant,

SLOAN G. KAMENSTEIN, and

TRACY D. KAMENSTEIN,

Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'
MOTION FOR AN ADJOURNMENT**

Defendants Carol L. Kamenstein, individually and in her capacity as joint tenant, David R. Kamenstein, individually and in his capacity as joint tenant, Sloan G. Kamenstein and Tracy D. Kamenstein (collectively, “the Defendants”) respectfully submit this memorandum of law in support of their motion for an adjournment of the dates set in this matter.

Defendants are represented by a tiny firm. This matter was reassigned from Judge Bernstein to this Court. Defendants are represented by a tiny firm. It has deadlines set in other cases during this period. Accordingly, Defendants seek to adjourn by six weeks the dates for the pre-trial conference and summary judgment motions, which are all presently scheduled for January 27, 2020. We also seek adjournment of the dates for the various pre-trial submissions, scheduled in accordance with Judge Bernstein’s Order dated October 2, 2020, *Picard v. Kamenstein*, 10-04469 (CGM) ECF No. 100.

Defendants seek adjournments as follows:

EVENT	PREVIOUS DEADLINE	PROPOSED DEADLINE
Pre-trial conference and arguments on various summary judgment motions	January 27, 2021	March 10, 2021 (or a date that is convenient to the Court).
Trustee to provide his version of pre-trial order to Defendants	November 18, 2020	December 30, 2020
Defendants to provide comments and insertions	December 18, 2020	January 29, 2021
Parties to exchange exhibits and deposition designations	January 8, 2021	February 19, 2021
Parties to exchange objections to exhibits and deposition designations	January 15, 2021	February 26, 2021
Parties to submit pre-trial order to the Court	January 20, 2021	March 3, 2021

The deadlines for the briefing schedule on the summary judgment motions were recently agreed to and provided to the Court and have been approved by Judge Bernstein, but have not yet been stipulated to or So Ordered.

EVENT	APPROVED DEADLINE	PROPOSED DEADLINE
Defendants to file motion for summary judgment	November 25, 2020	January 6, 2021
Trustee to file cross-motion and opposition	December 23, 2020	February 3, 2021
Defendants to oppose cross-motion and reply to motion	January 8, 2021	February 17, 2021
Trustee to reply on cross-motion	January 22, 2021	March 3, 2021

Defendants' counsel has significant deadlines in other cases during the same period. For example, in *Callas v. Callas*, 2:14-cv-07486-JMV-JBC, D.N.J., Judge Vasquez recently ordered that substantial summary judgment motions must be filed by both sides in early December that must then be responded and replied to, during December and January 2021. These motions had not been scheduled at the time the Court set the above dates. While the Trustee has advised that he does not consent to the relief requested, it would be substantially difficult for a firm of the size of Defendants' counsel, if not virtually impossible, to make significant submissions to courts simultaneously. Accordingly, Defendants simply seek to move all the deadlines by six weeks, while retaining the order of submissions and the time between each to accommodate those other deadlines.

Finally, the parties agreed to the dates for the summary judgment motion immediately before this case was transferred to Your Honor. Defendants' counsel was not aware of the schedule in the *Callas* case at that time. However, since Defendants were advised thereafter that this Court asked that the hearings for pending summary judgment motions between the parties in two other

cases be adjourned to the same date as the pre-trial conference, Defendants have included the dates for the motions in this case in this request.

This motion mirrors a letter that was filed on the docket on November 6, 2020 seeking the adjournment, which was responded to on the same date by the Plaintiff.

Dated: November 17, 2020
New York, New York

CHAITMAN LLP

By: /s/ Helen Davis Chaitman

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